Eight Mile Style, LLC et al v. Apple Computer, Incorporated

Doc. 43 Att. 1

Exhibit A

Declaration of Marc Guilford

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EIGHT MILE STYLE, LLC and
MARTIN AFFILIATED, LLC,

Plaintiffs,

vs.

APPLE COMPUTER, INC. and
AFTERMATH RECORDS d/b/a
AFTERMATH ENTERTAINMENT,

Defendants.

Case No. 2:07-cv-13164
Hon. Anna Diggs Taylor
Magistrate Judge Donald A. Scheer

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DECLARATION OF MARC R. GUILFORD

I, Marc R. Guilford, make the following statements upon personal knowledge:

1. I am an associate with the firm of King & Ballow, counsel of record for plaintiffs Eight Mile Style LLC ("Eight Mile") and Martin Affiliated LLC ("Martin") (collectively, "Plaintiffs") in the above captioned matter. If called as a witness in this action, I could and would testify competently to the contents of this declaration.

2. On April 8 and 9, 2008 the parties met and conferred telephonically regarding the recently discovery responses of plaintiffs and defendants.

3. During the call on April 9, the parties discussed certain discovery requests made by plaintiffs which defendants had objected to as damages discovery that was premature absent a determination of liability. Counsel for defendants Kelly Klaus advised that they were considering seeking a bifurcation of liability and damages.

4. Counsel for plaintiffs Richard Busch replied that plaintiffs would oppose any such request because the case and trial would be more cost effective to conduct absent bifurcation, copyright cases generally did not bifurcate damages and discovery, and a motion to bifurcate so late in discovery would further prejudice plaintiffs.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 23rd day of May, 2008.

Marc R. Guilford